

UNITED STATES DISTRICT COURT

for the

Southern District of Ohio

In the Matter of the Search of

(Briefly describe the property to be searched
or identify the person by name and address)

Express Mail Parcel, Label Number, EG 595586255 US, postmarked
November 19, 2013, addressed to Andres Esquivel III, 10232
Edgewood Dr, Findlay, OH 45840, with a return address of Nick
Moss, 221 Redstone Cir, Suisun City 45840.

Case No.

3:13-mj-501

SHARON L. OVINGTON

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

Express Mail Parcel, Label Number, EG 595586255 US

located in the Southern District of Ohio, there is now concealed (identify the person or describe the property to be seized):

Controlled Substances, materials and documents reflecting the distribution of controlled substances through the U.S. Mails, including money and/or monetary instruments paid for controlled substances

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
☒ contraband, fruits of crime, or other items illegally possessed;
☐ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of: Title 21

Code Section	Offense Description
21 U.S.C. 841 (a) (1), 843 (b) & 846	Conspiracy to distribute a controlled substance Possession with intent to distribute a controlled substance

The application is based on these facts:

See attached affidavit of U.S. Postal Inspector McDonough

- ☒ Continued on the attached sheet.
☐ Delayed notice _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Sworn to before me and signed in my presence.

Date: 11-20-13

City and state: Dayton, Ohio

Suzanne M. McDonough, U. S. Postal Inspector

Printed name and title

Honorable Sharon L. Ovington
United States Magistrate Judge

Printed name and title

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
DAYTON, OHIO

STATE OF OHIO)
) SS
COUNTY OF MONTGOMERY)

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

I, SUZANNE MCDONOUGH, HAVING BEEN DULY SWORN, DEPOSE AND STATE: I am a United States Postal Inspector, having been so employed since July 22, 1995. I am presently assigned to the Cincinnati Field Office, Pittsburgh Division of the Postal Inspection Service with investigative responsibility for Southwest Ohio and Northern Kentucky. Part of my investigative responsibility involves the use of the United States Mail in the transporting of narcotics and other dangerous controlled substances and financial proceeds relating thereto.

Your affiant attended a week-long national Inspection Service training course in October, 1997. The training involved narcotic investigation techniques, chemical field tests and training in the detection and identification of controlled substances being transported in the U. S. Mail. In September 1999 your affiant attended a two-week drug investigator's training course provided by the Drug Enforcement Administration that included training in drug identification, drug interdiction, confidential informant management, and undercover investigation practices. In addition to this formal training, your affiant has worked since 1996 with various federal, state and local law enforcement agencies in the investigation of the transportation of illegal drugs and their identification. Primarily your affiant's investigative attention relates to the mailing of narcotics within the continental United States. Infrequently investigations involve foreign originating packages, those referred by U. S. Customs, and those coming to your affiant's attention

from other law enforcement agencies.

Your affiant has become aware that drug traffickers frequently use Express Mail, a business-oriented over-night service offered by the United States Postal Service, to transport narcotics and other dangerous controlled substances. As a result of investigations and successful controlled substance prosecutions where Express Mail was used, your affiant has learned of certain characteristics indicative of other Express Mail items previously identified as containing narcotics or other dangerous controlled substances. Some of these characteristics include, but are not necessarily limited to or used on every occasion, false or non-existent return address, addressee is not known to receive mail at the listed delivery address, the package is heavily taped, the package is mailed from a known drug source location, labeling information contains misspellings, the label contains an illegible waiver signature, unusual odors emanating from the package, and the listed address is located in an area of known or suspected drug activity.

On November 20, 2013, a suspicious Express Mail Parcel was intercepted at the Dayton, OH Processing and Distribution Center. The parcel appeared suspicious due to the fact that it was mailed from Sacramento, CA 95823, the Waiver of Signature section of the mailing label was signed, and the parcel was emanating a strange odor.

This parcel is further identified as follows:

Label Number: EG 595586255 US

Sender: Nick Moss
221 Redstone Cir.
Suisun City 45840

Addressee: Andres Esquivel III
10232 Edgewood Dr.
Findlay, OH 45840

Observation of the Express Mail Parcel indicated the parcel was mailed from the Parkway Station Post Office, Sacramento, CA 95823. Through training and experience, your affiant has learned that the area in and around Sacramento, CA, is a location of known drug activity and a drug source location and the odor emanating from within the parcel is that of marijuana.

The AccurintLE database was researched regarding the listed return address, Nick Moss, 221 Redstone Cir, Suisun City 45840. The information obtained from the system indicated no one by the name of Nick Moss is known to be associated with that address. Additionally, the U. S. Postal Service Address Management System was researched regarding the listed address. The information obtained from the system indicated the zip code is listed incorrectly as 45840. The correct zip code for that address is 94585.

The AccurintLE database was also researched regarding the addressee, Andres Esquivel III, 10232 Edgewood Dr, Findlay, OH 45840. The information obtained from the database indicated Andres Esquivel III is known to be associated with that address.

Officer Tonina Lamanna, Dayton Police Department, was contacted regarding the suspect parcel to arrange for a narcotic's canine to check the parcel. Officer Lamanna and her canine "Raika" are a currently certified narcotics team. The team was most recently certified by the International Police Work Dog Association. Officer Lamanna responded to the Dayton, OH Processing and Distribution Center where the parcel was placed in an office among several other similar parcels and presented to narcotic

canine, "Raika", who alerted positively to the presence or odor of a controlled substance upon Express Mail Parcel, Label Number, EG 595586255 US. Attached herewith, and made part hereof by reference, is a photocopy of the narcotic canine handler's record of examination.

This information, along with the parcel being mailed from a known drug source location and the positive alert of narcotic canine "Raika" is indicative of a drug package.

Based on the information contained herein, your affiant believes that contained in Express Mail Parcel, Label Number, EG 595586255 US, is a quantity of a narcotic or other dangerous controlled substance, their proceeds or instrumentality's. Therefore, a search warrant to open the parcel is requested.

Further, your affiant sayeth naught.


Suzanne McDonough
Postal Inspector

Subscribed and sworn to and before me this 20th day of Nov, 2013.


Honorable Sharon L. Ovington
United States Magistrate Judge



United States Postal Inspection Service
Pittsburgh Division

OFFICER AFFIDAVIT

I, Officer T. Lamanna, AM, AND HAVE BEEN, EMPLOYED BY THE Dayton Police Department, SINCE 8/2001. AMONG OTHER DUTIES, I AM CURRENTLY THE ASSIGNED HANDLER OF NARCOTICS DETECTION CANINE "Raika", WHICH IS TRAINED AND CERTIFIED IN THE DETECTION OF THE PRESENCE OR ODOR OF NARCOTICS DESCRIBED AS FOLLOWS:

Marijuana, Hashish, Cocaine, Heroin, Methamphetamines, Ecstasy

ON 11/20/2013, AT THE REQUEST OF POSTAL INSPECTOR S. MCDONOUGH, I RESPONDED TO THE Dayton, OH Processing and Distribution Center WHERE "Raika" DID ALERT TO AND INDICATE UPON THE FOLLOWING DESCRIBED ITEM:

Express Mail Parcel, Label Number, EG 595586255 US, addressed to Andres Esquivel III, 10232 Edgewood Dr, Findlay, OH 45840, with a return address of Nick Moss, 221 Redstone Cir, Suisun City 45840.

BASED ON MY TRAINING AND EXPERIENCE AND THAT OF "Raika", I CONSIDER THE ABOVE DESCRIBED ITEM TO CONTAIN WITHIN OR UPON THE PRESENCE OR ODOR OF A NARCOTIC OR OTHER DANGEROUS CONTROLLED SUBSTANCE.

T. Lamanna 11-20-13
(Signature and Date)